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MICHELLE M. CARNIAUX
KENYON & KENYON
ONE BROADWAY
NEW YORK,, NY 10004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/250,940
Filing Date: February 18, 1999
Appellant(s): CONNELLY ET AL.

Michelle Carniaux
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 27, 2006 appealing from the Office action mailed April 5, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Applicant's arguments with respect to claims 34-36 have been fully considered and are persuasive. The rejection of claims 34-36 has been withdrawn.

Claims 1, 12, 17, 28, 37, 39, and 40 have been canceled.

Claims 2 to 9, 13 to 16, 18 to 27, 29 to 32, 38, and 41 to 48 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,057,874 ("Michaud") and U.S. Patent No. 5,963,264 ("Jackson").

Claims 10, 11, and 33 stand finally rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and U.S. Patent No. 6,108,042 ("Adams et al.").

Appellants appeal from the final rejections of claims 2 to 11, 13 to 16, 18 to 27, 29 to 33, 38, and 41-48.

A copy of the appeal claims, i.e., claims 2 to 11, 13 to 16, 18 to 27, 29 to 33, 38, and 41 to 48, is attached hereto in the Claims Appendix.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,963,264	Jackson	10-1999
6,057,874	Michaud	5-2000
6,108,042	Adams et al	8-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-9, 12-16, 18-27, 29-32, 38 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaud (US Patent No. 6,057,874) in view of Jackson (US Patent No. 5,963,264).

In considering claim 41, Michaud discloses all the claimed subject matter, note 1) the claimed an input device generating a data signal is met by the information

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providers 14 (Fig. 1, col. 2, line 57 to col. 3, line 9), 2) the claimed a command device generating a command signal associated with the data signal is met by the information providers 14 (Fig. 1, col. 2, line 57 to col. 3, line 9), 3) the claimed a first device receiving the data signal and the command signal associated with the data signal, the first device generating a transmission signal including data signal and the command and the associated command signal is met by the headend 12 which receives video, audio and data content from remote service providers 14 and retransmits this information over the CATV transmission network 22, the headend 12 includes a microprocessor 100 which is coupled to an electronic storage device 104 includes a database of information related to all VCRs including manufactures 104, model number 106, **VCR control codes 108, and programming data 110** (Figs. 1 and 2, col. 3, lines 4-29), 4) the claimed a second device receiving the transmission signal and extracting the data signal and the associated command signal from the transmission signal is met by the set top terminal 20 (Figs. 1 and 3, col. 3, line 30 to col. 4, line 13), and 5) the claimed an output device receiving the data signal from the second device is met by the TV set 21 (Fig. 1).

However, Michaud explicitly does not disclose the claimed at least one target device controlled automatically as a function of the associated command signal while the output device provides an output as a function of the data signal.

Jackson teaches that a digital satellite receiving system receives and processes a digital data stream containing television programming information, EPG information, and a list of video cassette recorders (VCRs) and corresponding infrared (IR) codes

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used to control the listed models of VCRs contained in the list, ...the digital receiving system uses the codes saved in nonvolatile memory to generate and transmit an IR signal to the VCR to start recording when the EPG determines the selected event begins, **the EPG and selected program are monitored during recording**, at the end of the program, a transmitted IR signal terminates the recording operation (see abstract, Figs. 1 and 2, col. 3, line 32 to col. 6, line 27).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the EPG and selected program are monitored during recording as taught by Jackson into Michaud's system in order to provide a method and apparatus for controlling all models of VCRs via infrared signals by providing the infrared (IR) codes necessary to operate each particular brand and model VCR and real time program scheduling information in the data stream (col. 1, lines 10-15 of Jackson).

In considering claim 2, the claimed wherein the data signal includes at least one of a video signal, an audio signal and an information signal is met by the headend 12 which receives video, audio and data content from remote service providers 14 and retransmits this information over the CATV transmission network 22 (Figs. 1 and 2, col. 3, lines 4-29 of Michaud).

In considering claim 3, the claimed wherein the output device includes at least one of a television set, a display device, an audio device and a data processor is met by the TV set 21 (Fig. 1 of Michaud).

In considering claim 4, the claimed wherein the at least one target device includes at least one of a light control device, a climate control device, a computer, a

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printer, a display device, an audio system, a telephone, a television set, a toy, a motorized device, a controllable device, a home appliance control device is met by the VCR (Fig. 6 of Michaud).

In considering claim 5, the claimed further comprising: a network arrangement facilitating a transmission of the transmission signal from the first device to the second device is met by the CATV transmission network 22 (Fig. 1 of Michaud).

In considering claim 6, the claimed wherein the network arrangement includes at least one of a television broadcast system, a communication network, a satellite network, a cable network and a telephone network is met by the CATV transmission network 22 (Fig. 1 of Michaud).

In considering claim 7, the claimed wherein the transmission signal is in one of an analog format and a digital format is met by the CATV transmission network 22 (Fig. 1 of Michaud).

In considering claim 8, the claimed wherein if the transmission signal is in the analog format, the command signal is inserted by the first device into a predetermined portion of the data signal and the command signal is extracted by the second device from the predetermined portion is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13 of Michaud).

In considering claim 9, the claimed wherein the predetermined portion is a vertical blanking intervals portion is met by col. 3, line 66 to col. 4, line 13 of Michaud.

In considering claim 12, the claimed wherein at least one of the second device and the at least one target device is controlled as a function of the command signal is met by the TV set 21 and the VCR (Figs. 4-8).

In considering claim 13, Michaud discloses all the claimed subject matter, note 1) the claimed a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device is met by the microprocessor 100 which is coupled to an electronic storage device 10 (Fig. 2, col. 3, lines 4-19), 2) the claimed a command coder converting the command signal into a first signal, the command coder being coupled to the command receiver is met by data transmitter receiver 112 (Fig. 2, col. 3, lines 20-29) , 3) the claimed a data receiver receiving a data signal from an input device is met by the video audio programming 116 (Fig. 2, col. 3, lines 20-29), 4) the claimed data coder converting the data signal into a second signal, the data coder being coupled to the data receiver is met by the video audio programming 116 (Fig. 2, col. 3, lines 20-29), 5) the claimed a modulator coupled to the command and data coders and generating the transmission signal using the first and second signals is met by the data inserter 114 (Fig. 2, col. 3, lines 20-29), and 6) the claimed a transmitter coupled to the modulator and transmitting the transmission signal, wherein data in the command signal and data in the data signal are linked so that when the data signal is used at a receiving end of the transmission signal is met by the CATV net work 22 (Fig. 2, col. 3, lines 20-29).

However, Michaud explicitly does not disclose the claimed the at least one target device is controlled as a function of the command signal while the output device at the receiving end provides an output as a function of the data signal.

Jackson teaches that a digital satellite receiving system receives and processes a digital data stream containing television programming information, EPG information, and a list of video cassette recorders (VCRs) and corresponding infrared (IR) codes used to control the listed models of VCRs contained in the list, ...the digital receiving system uses the codes saved in nonvolatile memory to generate and transmit an IR signal to the VCR to start recording when the EPG determines the selected event begins, **the EPG and selected program are monitored during recording**, at the end of the program, a transmitted IR signal terminates the recording operation (see abstract, Figs. 1 and 2, col. 3, line 32 to col. 6, line 27).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the EPG and selected program are monitored during recording as taught by Jackson into Michaud's system in order to provide a method and apparatus for controlling all models of VCRs via infrared signals by providing the infrared (IR) codes necessary to operate each particular brand and model VCR and real time program scheduling information in the data stream (col. 1, lines 10-15 of Jackson).

Claim 14 is rejected for the same reason as discussed in claim 1.

In consider claim 15, the claimed a controller facilitating generation of the transmission signal and a memory unit coupled to the controller and storing the

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transmission signal is met by the microprocessor 100 which is coupled to an electronic storage device 10 (Fig. 2, col. 3, lines 4-19 of Michaud).

In consider claim 16, Michaud discloses all the claimed subject matter, note 1) the claimed a receiver receiving a transmission signal is met by the tuner 113 and the out of band data receiver 115 (Fig. 3, col. 3, lines 29-65), 2) the claimed a demodulator extracting a first signal from the transmission signal is met by the tuner 113 (Fig. 3, col. 3, lines 29-65), 3) the claimed a command decoder decoding the first signal into the command signal is met by the video processor 118 (Fig. 3, col. 3, lines 29-65), 4) the claimed a data decoder decoding a data signal from the second signal is met by the tuner 113 and the out of band data receiver 115 (Fig. 3, col. 3, lines 29-65), and 5) the claimed a data transmitter receiving the data signal and providing the data signal to an output device is met by the video processor 118 (Fig. 3, col. 3, lines 29-65).

However, Michaud explicitly does not disclose the claimed wherein the at least one target device is controlled as a function of the command signal while an output device provides an output as a function of the data signal.

Jackson teaches that a digital satellite receiving system receives and processes a digital data stream containing television programming information, EPG information, and a list of video cassette recorders (VCRs) and corresponding infrared (IR) codes used to control the listed models of VCRs contained in the list, ...the digital receiving system uses the codes saved in nonvolatile memory to generate and transmit an IR signal to the VCR to start recording when the EPG determines the selected event begins, **the EPG and selected program are monitored during recording**, at the end

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of the program, a transmitted IR signal terminates the recording operation (see abstract, Figs. 1 and 2, col. 3, line 32 to col. 6, line 27).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the EPG and selected program are monitored during recording as taught by Jackson into Michaud's system in order to provide a method and apparatus for controlling all models of VCRs via infrared signals by providing the infrared (IR) codes necessary to operate each particular brand and model VCR and real time program scheduling information in the data stream (col. 1, lines 10-15 of Jackson).

In consider claim 18, the claimed further comprising: a command dispatcher providing the command signal to a corresponding target device is met by the IR remote interface 123 (Fig. 3 of Michaud).

In consider claim 19, the claimed a controller generating a control signal using the command signal to control the at least one target device is met by the system processor 101 (Fig. 3, col. 3, lines 29-65 of Michaud), and the claimed a memory unit coupled to the controller and storing the command signal is met by the RAM 121 (Fig. 3, col. 3, lines 29-65 of Michaud).

In consider claim 20, the claimed further comprising: a filtering device coupled to the controller, the filtering device controlling and selecting the command signal as a function of predetermined variables is met by the graphical user interface (GUI) (Fig. 4, col. 4, lines 14-27 of Michaud).

In consider claim 21, the claimed wherein the filtering device is implemented as a software application, the software application being stored in the memory unit is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65 of Michaud).

In consider claim 22, the claimed wherein the predetermined variables are adjusted according to a predetermined procedure is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65 of Michaud).

In consider claim 23, the claimed wherein the command transmitter provides the command signal to the output device is met by the data transmitter receiver 112 (Fig. 2, col. 3, lines 20-29 of Michaud).

In consider claim 24, the claimed further comprising: a transmitting device transmitting a data to a predetermined device, the data being provided by at least one of the filtering device and the at least one target device is met by the software program for controlling the VCR (Figs. 4-8, col. 4 line 14 to col. 6, line 65 of Michaud).

In consider claim 25, the claimed wherein the transmitting device includes a modem is met by col. 3, lines 23-29 of Michaud.

In consider claim 26, the claimed wherein the predetermined variables include a profile of a user is met by Fig. 7, col. 5, line 62 to col. 6, line 27 of Michaud.

Claim 27 is rejected for the same reason as discussed in claim 41.

In consider claim 29, the claimed comprising the step of: (h) controlling at least one of the second device and the output device as a function of the command signal is met by the software program (Figs. 4-8, col. 4 line 14 to col. 6, line 65 of Michaud).

Claim 30 is rejected for the same reason as discussed in claim 20.

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In consider claim 31, the claimed wherein the step (b) includes a substep of inserting the command signal into a vertical blanking interval portion of the data signal and wherein the step (d) includes a substep of extraction the command signal from the vertical blanking interval portion is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13 of Michaud).

In consider claim 32, the claimed wherein the command signal is transmitted using one of an in-band procedure and an out-of-band procedure is met by the data inserter 114 of the transmitter and the out of band data receiver 115 from the receiver (Figs. 2 and 3, col. 3, line 66 to col. 4, line 13 of Michaud).

Claim 38 is rejected for the same reason as discussed in claim 41.

Claim 42 is rejected for the same reason as discussed in claims 41 and 2.

Claim 43 is rejected for the same reason as discussed in claim 41.

In considering claim 44, the claimed wherein the output device and the at least one target device are separate devices is met by the TV and the VCR of Michaud.

Claim 45 is rejected for the same reason as discussed in claim 41.

Claim 46 is rejected for the same reason as discussed in claim 2.

Claim 47 is rejected for the same reason as discussed in claim 13.

Claim 48 is rejected for the same reason as discussed in claim 44.

Claims 10-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michaud (US. Patent No. 6,057,874) in view of Jackson (US Patent No.

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5,963,264), as applied in claims 41 and 7 above, and further in view of Adams et al. (US Patent No. 6,108,042).

In considering claim 10, the combination of Michaud and Jackson discloses all the limitations of the instant invention as discussed in claims 41 and 7 above, except for providing the claimed wherein if the transmission signal is in the digital format, the command signal is attached to a data packet of the transmission signal by the first device, the data packet including the data signal, and the command signal is extracted from the data packet using the second device. Adams et al teach that the satellite receiver 14 enables reception of packetized digital data streams over a satellite link. The packetized digital data streams received by the satellite receiver 14 include video data packets, audio data packets, and associated data packets. The satellite receiver 14 transfers the received digital data stream packets to the computer system 10 over a communication line 30 (Fig. 1, col. 4, lines 9-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the command signal is attached to a data packet of the transmission signal as taught by Adams et al. into the combination of Michaud and Jackson's system in order to coordinate of video and audio data streams using association data streams to enable content programmer control of display and selection functions for a video system.

In considering claim 11, the combination of Michaud and Jackson discloses all the limitations of the instant invention as discussed in claims 41 and 7 above, except for providing the claimed wherein if the transmission signal is in the digital format, the command signal is transmitted using a command packet by the first device, the

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command packet corresponding to a data packet including the data signal, and the command signal is extracted from the command packet using the second device.

Adams et al teach that the computer system 10 extracts associated data packets of the incoming packetized digital data stream on the communication line 30 and decodes the associated data packets according to a predefined video command and control protocol (Fig. 1, col. 4, lines 37-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the device which extracts the command signal from the command packet as taught by Adams et al into the combination of Michaud and Jackson's system in order to coordinate of video and audio data streams using association data streams to enable content programmer control of display and selection functions for a video system.

Claim 33 is rejected for the same reason as discussed in claim 10.

Allowable Subject Matter

Claims 34-36 are allowed.

(10) Response to Argument

A. Rejection of Claims 13-15 Under 35 U.S.C. 103(a).

In re pages 6-8, appellants argue that the combination of Michaud and Jackson does not disclose or suggest the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal because the IR code list 35 of Jackson does not disclose or suggest

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the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, the Examiner respectfully disagrees. Jackson discloses from col. 5, line 8 to col. 6, line 20 that

"The EPG selections 7 and VCR IR code selection 11 are used to control the operation of the VCR 38, and are stored in nonvolatile memory 15.

...Referring to FIG. 2, the logical sequence of steps of operation of the present invention will be described using a flow chart. In general, these operations may be implemented by executing instruction set 20 on the CPU 16. At step 100, the VCR IR code list 35 and EPG 22 are constructed from data 29 contained in the downlinked signals 3. Both the VCR IR code list 35 and EPG 22 may be updated at any time by data 29, thus including new model VCRs and reflecting last minute changes to the EPG 22. At step 102, the user summons the VCR IR code list 35 to be displayed on the TV/monitor 36. The VCR IR code list 35 will contain all VCR models which may be controlled by IR signals. Continuing to step 104, the user selects a VCR model from the displayed VCR model list corresponding to the VCR IR code list 35. The displayed VCR model list disappears from the TV/monitor 36 and a VCR IR code selection 11 corresponding to IR signals that control the selected model VCR 15 stored in nonvolatile memory 15 (step 106).

At step 108, the user summons the EPG 22. EPG information is displayed on the TV/monitor 36. At step 110, the user may select program listings from the EPG 22 that correspond to programming selections the user wishes to record with VCR 38. EPG selections 7 are stored in non-volatile memory 15. The CPU 16 then monitors the data 29 downlinked signals 3 to determine when the programming selection corresponding to an EPG selection 7 begins. At step 112, the uplink center 1 begins transmission of the programming selection that matches the EPG selection 7. The recording process thereby begins when the programming selection is actually aired, and not necessarily when it was originally scheduled to begin. Thus, the present invention allows for real-time schedule changes to occur for both starting time and stopping time, such as a sporting event which goes into overtime, and ensures the entire program will be recorded (assuming sufficient tape is available), unlike current recording devices

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which record only at a specific predetermined start time for a predetermined length.

Continuing to step 114, the CPU 16 reads the VCR IR code selection 11 and sends the code that corresponds to "begin recording" to the IR generator 23. At step 116, the IR generator 23 constructs an IR signal based on the IR code received from the CPU 16. The IR generator then sends a "begin recording" IR signal to the VCR 38 (step 118). This instructs the VCR 38 to begin recording the channel containing the concurrently transmitted programming selection that matches the EPG selection 7. The CPU 16 continues to monitor the data 29 from downlinked signals 3 unit step 120, where the uplink center 1 finishes the transmission of the programming selection being recorded. At step 122, the CPU 16 again reads the VCR IR code selection 11 and sends the code corresponding to "terminate recording" to the IR generator 23. At step 124, the IR generator 23 constructs an IR signal from the IR code passed to it by the CPU 16. The IR generator 23 then transmits a "terminate recording" IR signal to the VCR 38".

From the above passages, it is noted that the VCR IR code list 35 and EPG 22 are constructed from data 29 contained in the downlinked signals 3 and the CPU 16 uses the VCR IR codes and EPG to send commands that corresponding to "begin recording" and "terminate recording".

Jackson also discloses in col. 4, lines 18-25 that

"Video decompressor 28 and audio decompressor 30 accept video stream 26 and audio stream 27, respectively, and decompress them. The video stream 26 is fed to video digital to analog converter 32 and the audio stream 27 is fed to audio digital to analog converter 34. The converters 32 and 34 convert the digital streams into analog baseband signals which are then output to TV/monitor 36 and VCR device 38".

Jackson discloses in col. 4, lines 18-25 that the video can be output to TV/monitor 36 and VCR device 38. Thus, Jackson does indeed disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a

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function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal.

B. Rejection of Claims 16, and 18 to 26 Under 35 U.S.C. 103(a).

In re pages 9-13, appellants argue that the combination of Michaud and Jackson does not disclose or suggest the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were decoded from the same transmission signal because the IR code list 35 of Jackson does not disclose or suggest the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, as discussed above with respect to claims 13 to 15, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. Jackson further discloses in col. 3, lines 53-56 that "In the preferred embodiment, the error correction and packet synchronization module 24 may combine a QPSK decoder and a Reed-Solomon and Viterbi forward error correction". The

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additional limitation "that were decoded from the same transmission signal" is anticipated by the error correction and packet synchronization module 24 of Jackson.

C. Rejection of Claims 27, and 29 to 32 Under 35 U.S.C. 103(a).

In re pages 9-13, appellants argue that the combination of Michaud and Jackson does not disclose or suggest the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal and that were extracted from the same transmission signal because the IR code list 35 of Jackson does not disclose or suggest the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, as discussed above with respect to claims 13 to 15, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal and that were extracted from the same transmission signal (VCR IR codes, EPG, and video signal transmitted from the uplink center 1).

D. Rejection of Claim 38 Under 35 U.S.C. 103(a).

In re pages 21-24, appellants argue that the combination of Michaud and Jackson does not disclose or suggest the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal and that were extracted from the same transmission signal because the IR code list 35 of Jackson does not disclose or suggest the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, as discussed above with respect to claims 13 to 15, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal.

E. Rejection of Claims 2 to 9, and 41 to 44 Under 35 U.S.C. 103(a).

In re pages 25-28, appellants argue that the combination of Michaud and Jackson does not disclose or suggest the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal and that were extracted from the same transmission signal because

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the IR code list 35 of Jackson does not disclose or suggest the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, as discussed above with respect to claims 13 to 15, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal.

F. Rejection of Claims 45, 46, and 48 Under 35 U.S.C. 103(a).

In re pages 25-28, appellants argue that the combination of Michaud and Jackson does not disclose or suggest that a command signal is received that includes commands that are associated with content rendered via an output device, and that these same commands and content are used such that the target device is controlled as a function of the commands while the content associated therewith is rendered via the output device because the IR code list 35 of Jackson does not disclose or suggest the recited command signal, the list is not used to control a device, for example, the VCR 38 of Jackson, while data with which the list was transmitted is output by an output device, for example, the TV/monitor 36 of Jackson, and, instead, the list is stored in a

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memory 18, while data with which the list was transmitted is output by the TV/monitor 36.

In response, as discussed above with respect to claims 13 to 15, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. It is noted that the EPG represents the contents of the broadcasting programs (user may select program listings from the EPG 22 disclosed in col. 5, lines 51-55 of Jackson) and the EPG selection of Jackson anticipates the claimed that a command signal is received that includes commands that are associated with content rendered via an output device, and that these same commands and content are used such that the target device is controlled as a function of the commands while the content associated therewith is rendered via the output device.

G. Rejection of Claim 47 Under 35 U.S.C. 103(a).

In re page 32, appellants state that the Examiner does not address the claimed "wherein the commands are linked to the content so that the commands are available for accessing to control the target device each time the content associated therewith is rendered" as recited in claim 47 which depends from claim 45.

In response, as discussed above with respect to claim 13 to 15, 45, 46, and 48, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such

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control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. It is noted that the EPG represents the contents of the broadcasting programs (user may select program listings from the EPG 22 disclosed in col. 5, lines 51-55 of Jackson) and the EPG selection of Jackson anticipates the claimed "wherein the commands are linked to the content so that the commands are available for accessing to control the target device each time the content associated therewith is rendered".

H. Rejection of Claim 10 Under 35 U.S.C. 103(a).

In re pages 32-33, appellants argue that nowhere does the combination of Michaud, Jackson, and Adams et al disclose or suggest attachment of a command signal "to a data packet...including the data signal" if the transmission signal is in the digital format as recited in claim 10 which depends from claim 41.

In response, as discussed above with respect to claim 13 to 15, and 41, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. The VCR IR codes, the EPG, and the video signal are transmitted from the uplink center 1. However, the VCR IR codes, the EPG, and the video signal are not in packet format. As discussed in the Final Office Action, Adams et al teaches that packetized digital data stream including video data packets, audio data packets, and

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associated data packets can be transmitted through satellite link (see col. 4, lines 9-18). When combining Michaud, Jackson, and Adams et al as proposed by the Examiner, the VCR IR codes, the EPG, and the video signal of Jackson would be transmitted in packets as taught by Adams et al as required by claim 10. Thus, the proposed combination of Michaud, Jackson, and Adams et al does indeed disclose or suggest the claimed wherein if the transmission signals in the digital format, the command signal (VCR IR codes and the EPG of Jackson) is attached to a data packet (packetized digital data stream of Adams et al) of the transmission signal by the first device, the data packet including the data signal (video signal of Jackson), and the command signal is extracted from the data packet using the second device (constructing the VCR IR code list 35 and EPG 22 disclosed in col. 5, lines 36-38 of Jackson).

I. Rejection of Claim 11 Under 35 U.S.C. 103(a).

In re page 33, appellants argue the combination of Michaud, Jackson, and Adams et al does not render unpatentable this dependent claim for at least the same reasons set forth above in support of the patentability of claim 41.

In response, as discussed above with respect to claim 13 to 15, and 41, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. Thus, the combination of Michaud and Jackson discloses all the claimed limitations of claim 41.

J. Rejection of Claim 33 Under 35 U.S.C. 103(a).

In re pages 33-34, appellants argue that nowhere does the combination of Michaud, Jackson, and Adams et al disclose or suggest "attaching [a] command signal to a data packet...including the data signal" as recited in claim 33 which depends from claim 27.

In response, as discussed above with respect to claim 13 to 15, and 27, Jackson does disclose or suggest the control of a target device (VCR device 38) while an output device provides an output (VCR device 38 or TV/monitor 36), where such control and output is performed as a function of a command signal (VCR IR codes and EPG) and a data signal (video signal), respectively, that were used for generating a transmission signal. However, the VCR IR codes, the EPG, and the video signal are not in packet format. As discussed in the Final Office Action, Adams et al teaches that packetized digital data stream including video data packets, audio data packets, and associated data packets can be transmitted through satellite link (see col. 4, lines 9-18). When combining Michaud, Jackson, and Adams et al as proposed by the Examiner, the VCR IR codes, the EPG, and the video signal of Jackson would be transmitted in packets as taught by Adams et al as required by claim 10. Thus, the proposed combination of Michaud, Jackson, and Adams et al does indeed disclose or suggest the claimed wherein if the transmission signal s in the digital format, the command signal (VCR IR codes and the EPG of Jackson) is attached to a data packet (packetized digital data stream of Adams et al) of the transmission signal by the first device, the data packet including the data signal (video signal of Jackson), and the command signal is extracted

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form the data packet using the second device (constructing the VCR IR code list 35 and EPG 22 disclosed in col. 5, lines 36-38 of Jackson).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TT TT

June 8, 2006

Conferees:



DAVID OMETZ

David Ometz SUPERVISORY PATENT EXAMINER

Ngoc Yen Vu



NGOC-YEN VU

SUPERVISORY PATENT EXAMINER